

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASON A. SMITH,
Plaintiff,

v.

DR. LAW FU, et al.,
Defendants.

Case No. 19-02119 BLF (PR)

**ORDER OF PERSONAL SERVICE
ON DEFENDANT DR. RACHEL
ROSS**

Plaintiff, a California state prisoner, filed a civil rights complaint in *pro se* pursuant to 42 U.S.C. § 1983 against medical officials at the Correctional Training Facility (“CTF”). Dkt. No. 1. The Court granted Defendants Law Fu, Dr. Mark Kowall, M. Votaw, and S. Posson’s motions for summary judgment. Dkt. Nos. 51, 52. The only remaining claim is against Dr. Rachel Ross. To date, there has been no response to the last summons that was sent to Dr. Ross at the address provided by Plaintiff. Dkt. No. 55. Accordingly, there is no indication that Defendant Dr. Ross has been served in this matter at the address provided by Plaintiff.

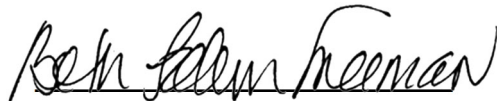
In the interest of justice, the Court will order the Marshal to **personally serve** the complaint. The Clerk shall issue summons and the United States Marshal shall serve, without prepayment of fees, the summons, a copy of the complaint, Dkt. No. 1, with all

1 attachments, a copy of the Court's orders of service, Dkt. Nos. 6 and 55, and a copy of this
2 order on Defendant **Dr. Rachel Lee Ross at 2941 Sunrise Blvd., Suite 210, Rancho**
3 **Cordova, CA 95742.**

4 Plaintiff is advised that it is ultimately his responsibility to have the summons and
5 complaint served within the time allowed by Rule 4(m) or face dismissal of his complaint.
6 Accordingly, if personal service is not successful at the address provided by Plaintiff,
7 absent a showing of good cause, the claims against Defendant Dr. Ross are subject to
8 dismissal without prejudice. *See Walker v. Sumner*, 14 F.3d 1415, 1421-22 (9th Cir. 1994)
9 (holding prisoner failed to show cause why prison official should not be dismissed under
10 Rule 4(m) where prisoner failed to show he had provided Marshal with sufficient
11 information to effectuate service).

12 **IT IS SO ORDERED.**

13 Dated: May 7, 2021


BETH LABSON FREEMAN
United States District Judge